

ESTTA Tracking number: **ESTTA579093**

Filing date: **12/27/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	The Insights Group Limited
Granted to Date of previous extension	12/29/2013
Address	Terra Nova 3 Explorer Road Dundee, Scotland, DD21EG UNITED KINGDOM
Attorney information	Sandra M. Koenig Fay Sharpe LLP The Halle Building, 5th Floor 1228 Euclid Avenue Cleveland, OH 44115 UNITED STATES skoenig@faysharpe.com, smccollister@faysharpe.com, chatter@faysharpe.com Phone:216-363-9000

### Applicant Information

Application No	85659747	Publication date	07/02/2013
Opposition Filing Date	12/27/2013	Opposition Period Ends	12/29/2013
Applicant	David Morris Enterprises LLC 440 Davis Court, Suite 1106 San Francisco, CA 94111 GERMANY		


### Goods/Services Affected by Opposition

<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: consulting services in the area of executive cohesion, namely, helping companies onboard new members successfully by helping the existing and new members understand one another; consulting services in the area of personnel, namely, assisting with promotion and new hire decisions; online portal in the field of organization executive performance</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Application Server Provider services featuring software for use in consulting services in the area of organization executive performance, namely, helping executives to understand how one another made decisions and what motivates them to improve their performance, helping executives implement insights about what motivates others and how they make decisions to become a more cohesive unit and achieve greater buy-in on group decisions, advice on integrating new groups after an acquisition occurs, and benchmarking executives against other high-performing executives in other companies</p>

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4259587	Application Date	05/02/2008
Registration Date	12/18/2012	Foreign Priority Date	NONE
Word Mark	INSIGHTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00 Downloadable electronic publications in the nature of periodical publications, magazines, books and newsletters in the field of employee and personal and organizational assessment, all the foregoing goods limited in content to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness</p> <p>Class 016. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00 Printed matter in the nature of periodical publications, magazines, books, booklets and catalogues in the field of employee, personal and organizational assessment, printed instructional, educational teaching materials in the field of employee, personal and organizational assessment, all the foregoing goods limited in content to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness</p> <p>Class 041. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00 Organization and arranging of educational seminars, workshops, training sessions, conferences, symposiums, congresses and colloquiums, all of the aforementioned in the field of employee, personal and organizational assessment, but not personal relationship and all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness; Educational services, namely, providing educational seminars, workshops, training sessions, conferences, symposiums, congresses and colloquiums, which provide educational information in the field of employee, personal and organizational assessment, but not personal relationship, and all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness; publication of books and texts, all the aforementioned in the field of employee, personal and organizational assessment, but not personal relationship, all the foregoing services limited in application to relate to assessment of employees' workplace</p>		

	characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness
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Attachments	77464026#TMSN.jpeg( bytes ) ASTE700010_Notice of Opposition.pdf(165710 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/sandramkoenig/
Name	Sandra M. Koenig
Date	12/27/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 85/659,747

For the mark TEAM INSIGHTS

Published in the *Official Gazette* on July 2, 2013

The Insights Group Limited, )

Opposer, )

v. )

David Morris Enterprises LLC, )

Applicant. )

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Attention: TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposer, The Insights Group Limited ("Opposer"), a United Kingdom Limited Liability Company, with offices at Terra Nova, 3 Explorer Road, Dundee, United Kingdom DD21EG, believes that it will be damaged by registration of the mark shown in the application bearing Serial No. 85/659,747, and hereby opposes such registration.

The grounds for opposition are as follows:

1. Opposer is the owner of Federal Trademark Registration No. 4,259,587 for the mark INSIGHTS for "Downloadable electronic publications in the nature of periodical publications, magazines, books and newsletters in the field of employee and personal and organizational assessment, all the foregoing goods limited in content to

assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness" in Class 9, "Printed matter in the nature of periodical publications, magazines, books, booklets and catalogues in the field of employee, personal and organizational assessment, printed instructional, educational teaching materials in the field of employee, personal and organizational assessment, all the foregoing goods limited in content to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness" in Class 16, and "Organization and arranging of educational seminars, workshops, training sessions, conferences, symposiums, congresses and colloquiums, all of the aforementioned in the field of employee, personal and organizational assessment, but not personal relationship and all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness; Educational services, namely, providing educational seminars, workshops, training sessions, conferences, symposiums, congresses and colloquiums, which provide educational information in the field of employee, personal and organizational assessment, but not personal relationship, and all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness; publication of books and texts, all the aforementioned in the field of employee, personal and organizational assessment, but

not personal relationship, all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness" in Class 41. A true copy of the TESS/TARR printout for said registration is attached hereto showing current title and status.

2. Opposer operates in more than 20 countries around the world and has used the INSIGHTS mark in United States commerce in association with its products and services since at least as early as 1997.

3. As a result of the sales and promotion of its products and services in association with Opposer's INSIGHTS mark, Opposer has built up highly valuable goodwill in its INSIGHTS mark, and said goodwill has become identified and associated with Opposer.

4. Notwithstanding Opposer's rights in the INSIGHTS mark, Applicant, on June 23, 2013, filed an intent to use application under Serial No. 85/695,747 to federally register the mark TEAM INSIGHTS in association with "consulting services in the area of executive cohesion, namely, helping companies onboard new members successfully by helping the existing and new members understand one another; consulting services in the area of personnel, namely, assisting with promotion and new hire decisions; online portal in the field of organization executive performance" in Class 35 and "Application Server Provider services featuring software for use in consulting services in the area of organization executive performance, namely, helping executives to understand how one another make decisions and what motivates them to improve their performance, helping executives implement insights about what motivates others and

how they make decisions to become a more cohesive unit and achieve greater buy-in on group decisions, advice on integrating new groups after an acquisition occurs, and benchmarking executives against other high-performing executives in other companies” in Class 42. The application was published for opposition on July 2, 2013.

5. Upon information and belief, Applicant did not use TEAM INSIGHTS for the services covered in the application in United States commerce prior to its June 23, 2012 filing date.

6. The mark TEAM INSIGHTS, as used or proposed for use in association with Applicant’s services, is so similar to the Opposer’s INSIGHTS mark used with Opposer’s products and services, as to create a likelihood of confusion, or to cause mistake, or to deceive, within the meaning of Section 2(d) of the Trademark Act of 1946 (15 U.S.C. § 1052(d)) all to Opposer’s irreparable damage.

7. Opposer will be damaged by registration of the mark TEAM INSIGHTS for use in association with Applicant’s services in that, if registration issues, consumers are likely to believe that Applicant’s services originate with Opposer, or that Applicant’s services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer.

WHEREFORE, the Opposer prays that said application Serial No. 85/659,747 be refused and that the registration sought therein be denied.

Dated: December 27, 2013

Respectfully submitted,

FAY SHARPE LLP

/Sandra M. Koenig/  
Sandra M. Koenig  
Scott A. McCollister  
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1228 Euclid Avenue  
Cleveland, Ohio 44115  
Phone: (216) 363-9000  
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Attorneys for Opposer,  
The Insights Group Limited

### **CERTIFICATE OF SERVICE**

I hereby certify that this NOTICE OF OPPOSITION was filed electronically with the United States Patent and Trademark Office, Trademark Trial and Appeal Board on **December 27, 2013** and that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on the following Attorney of Record and Correspondent, as listed on the TSDR website of the United States Patent and Trademark Office, by mailing said copy via First Class Mail, postage prepaid, to:

MICHAEL J. BEVILACQUA  
WILMER CUTLER PICKERING HALE AND DORR LLP  
60 STATE ST  
BOSTON, MASSACHUSETTS 02109-1816

/Sandra M. Koenig/  
Sandra M. Koenig  
Attorney for Opposer





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## Trademarks &gt; Trademark Electronic Search System (TESS)

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[NEXT LIST](#) | [FIRST DOC](#) | [PREV DOC](#) | [NEXT DOC](#) | [LAST DOC](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

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# INSIGHTS

**Word Mark** INSIGHTS

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Downloadable electronic publications in the nature of periodical publications, magazines, books and newsletters in the field of employee and personal and organizational assessment, all the foregoing goods limited in content to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness. FIRST USE: 19971100. FIRST USE IN COMMERCE: 19971100

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed matter in the nature of periodical publications, magazines, books, booklets and catalogues in the field of employee, personal and organizational assessment, printed instructional, educational teaching materials in the field of employee, personal and organizational assessment, all the foregoing goods limited in content to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness. FIRST USE: 19971100. FIRST USE IN COMMERCE: 19971100

IC 041. US 100 101 107. G & S: Organization and arranging of educational seminars, workshops, training sessions, conferences, symposiums, congresses and colloquiums, all of the aforementioned in the field of employee, personal and organizational assessment, but not personal relationship and all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness; Educational services, namely, providing educational seminars, workshops, training sessions, conferences, symposiums, congresses and colloquiums, which provide educational information in the field of employee, personal and organizational assessment, but not personal relationship, and all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership

effectiveness; publication of books and texts, all the aforementioned in the field of employee, personal and organizational assessment, but not personal relationship, all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness. FIRST USE: 19971100. FIRST USE IN COMMERCE: 19971100

**Standard  
Characters  
Claimed**

**Mark  
Drawing  
Code**

(4) STANDARD CHARACTER MARK

**Serial  
Number**

77464026

**Filing Date**

May 2, 2008

**Current  
Basis**

1A

**Original  
Filing Basis**

1B

**Published  
for  
Opposition**

October 2, 2012

**Registration  
Number**

4259587

**Registration  
Date**

December 18, 2012

**Owner**

(REGISTRANT) The **Insights Group** Limited LIMITED LIABILITY COMPANY UNITED KINGDOM 4 Jack Martin Way, Claverhouse Bus. Park Dundee UNITED KINGDOM DD49FF

**Attorney of  
Record**

Kathleen A. Tyrrell

**Description  
of Mark**

Color is not claimed as a feature of the mark.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live/Dead  
Indicator**

LIVE

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Mark: INSIGHTS

INSIGHTS

US Serial Number: 77464026

Application Filing Date: May 02, 2008

US Registration Number: 4259587

Registration Date: Dec. 18, 2012

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 18, 2012

Publication Date: Oct. 02, 2012

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## Mark Information

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Mark Literal Elements: INSIGHTS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Color(s) Claimed: Color is not claimed as a feature of the mark.

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*,\* identify additional (new) wording in the goods/services.

For: Downloadable electronic publications in the nature of periodical publications, magazines, books and newsletters in the field of employee and personal and organizational assessment, all the foregoing goods limited in content to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 1997

Use In Commerce: Nov. 1997

For: Printed matter in the nature of periodical publications, magazines, books, booklets and catalogues in the field of employee, personal and organizational assessment, printed instructional, educational teaching materials in the field of employee, personal and organizational assessment, all the foregoing goods limited in content to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 1997

Use In Commerce: Nov. 1997

For: Organization and arranging of educational seminars, workshops, training sessions, conferences, symposiums, congresses and colloquiums, all of the aforementioned in the field of employee, personal and organizational assessment, but not personal relationship and all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness; Educational services, namely, providing educational seminars, workshops, training sessions, conferences, symposiums, congresses and colloquiums, which provide educational information in the field of employee, personal and organizational assessment, but not personal relationship, and all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness; publication of books and texts, all the aforementioned in the field of employee, personal and organizational assessment, but not personal relationship, all the foregoing services limited in application to relate to assessment of employees' workplace characteristics and consequent advising to employees and organizations specifically in the fields of team, organizational and leadership effectiveness

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 1997

Use In Commerce: Nov. 1997

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## Basis Information (Case Level)

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Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basls: No	Currently No Basls: No	

### Current Owner(s) Information

Owner Name: The Insights Group Limited  
 Owner Address: 4 Jack Martin Way, Claverhouse Bus. Park  
 Dundee DD49FF  
 UNITED KINGDOM  
 Legal Entity Type: LIMITED LIABILITY COMPANY  
 State or Country Where Organized: UNITED KINGDOM

### Attorney/Correspondence Information

<b>Attorney of Record</b>	
Attorney Name: Kathleen A. Tyrrell	Docket Number: ABLE0034TM
Attorney Primary Email Address: <a href="mailto:ktyrrell@licataandtyrrell.com">ktyrrell@licataandtyrrell.com</a>	Attorney Email Authorized: No
<b>Correspondent</b>	
Correspondent Name/Address: KATHLEEN A. TYRRELL LICATA & TYRRELL P.C. 66 E MAIN ST MARLTON, NEW JERSEY 08053-2141 UNITED STATES	
Phone: 856-810-1515	Fax: 856-810-1454
Correspondent e-mail: <a href="mailto:ktyrrell@licataandtyrrell.com">ktyrrell@licataandtyrrell.com</a>	Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Dec. 18, 2012	REGISTERED-PRINCIPAL REGISTER	
Oct. 02, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 02, 2012	PUBLISHED FOR OPPOSITION	
Sep. 12, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 24, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Aug. 23, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 23, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 23, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 23, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 23, 2012	EXAMINERS AMENDMENT -WRITTEN	81852
Jul. 17, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	77312
Jul. 17, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Jul. 13, 2012	ASSIGNED TO LIE	77312
Jul. 11, 2012	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
May 17, 2012	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
May 17, 2012	LETTER OF SUSPENSION E-MAILED	6332
May 17, 2012	SUSPENSION LETTER WRITTEN	81852
Nov. 15, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	67287
May 06, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	67287
Oct. 22, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	67287
Apr. 14, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	67287

Apr. 14, 2010	ASSIGNED TO LIE	67287
Oct. 14, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	77075
Oct. 14, 2009	ASSIGNED TO LIE	77075
Oct. 07, 2009	USE AMENDMENT ACCEPTED	81852
Sep. 17, 2009	AMENDMENT TO USE PROCESSING COMPLETE	88889
Sep. 17, 2009	USE AMENDMENT FILED	88889
Sep. 16, 2009	TEAS AMENDMENT OF USE RECEIVED	
Apr. 14, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Apr. 14, 2009	LETTER OF SUSPENSION E-MAILED	6332
Apr. 14, 2009	SUSPENSION LETTER WRITTEN	81852
Feb. 20, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 20, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 20, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 20, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 20, 2008	NON-FINAL ACTION E-MAILED	6325
Aug. 20, 2008	NON-FINAL ACTION WRITTEN	81852
Aug. 18, 2008	ASSIGNED TO EXAMINER	81852
May 06, 2008	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date In Location: Dec. 18, 2012

### Proceedings

#### Summary

Number of Proceedings: 1

#### Type of Proceeding: Opposition

Proceeding Number: 91193017

Filing Date: Dec 15, 2009

Status: Terminated

Status Date: Jan 07, 2010

Interlocutory Attorney: LINDA M SKORO

#### Defendant

Name: Insight Strategic Concepts Inc.

Correspondent Address: JOSEPH A SEBOLT  
SAND & SEBOLT  
4940 MUNSON ST N W AEGIS TWR STE 1100  
CANTON OH , 44718-3615  
UNITED STATES

Correspondent e-mail: [joes@sandandsebolt.com](mailto:joes@sandandsebolt.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
INSIGHT	Abandoned - After Inter-Partes Decision	<u>78830065</u>	

Plaintiff(s)

Name: The Insights Group Limited

Correspondent Address: Kathleen A. Tyrrell, Esq.  
Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton NJ , 08053  
UNITED STATES

Correspondent e-mail: [ktyrrell@licataandtyrrell.com](mailto:ktyrrell@licataandtyrrell.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
INSIGHTS	Registered	<u>77464026</u>	<u>4259587</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 15, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 15, 2009	Jan 24, 2010
3	PENDING, INSTITUTED	Dec 15, 2009	
4	WITHDRAWAL OF APPLICATION	Jan 05, 2010	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 07, 2010	
6	TERMINATED	Jan 07, 2010	